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9 INC.

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11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 Y. HATA & CO., LIMITED,  
15 on behalf of itself and all others  
similarly situated

16 Plaintiff,

17 v.

18 AIR FRANCE-KLM; BRITISH  
19 AIRWAYS, PLC; ASIANA AIRLINES  
20 CO., LTD.; JAPAN AIRLINES  
INTERNATIONAL CO., LTD.;  
21 CATHAY PACIFIC AIRWAYS LTD.;  
DEUTSCHE LUFTHANSA AG;  
22 SCANDINAVIAN AIRLINES  
SYSTEMS; UNITED AIRLINES, INC.;  
23 UAL CORP.; CARGOLUX AIRLINES  
INTERNATIONAL SA; LAN  
24 AIRLINES SA; POLAR AIR CARGO,  
INC.; ATLAS AIR WORLDWIDE  
25 HOLDINGS, INC.; KOREAN  
26 AIRLINES CO., LTD.; SINGAPORE  
AIRLINES, LTD.; ACE AVIATION  
27 HOLDINGS, INC.; AIR CANADA;  
28 AMERICAN AIRLINES, INC.; AMR  
CORPORATION; SINGAPORE

CASE NO. CV 06-01916-SC

**STIPULATION AND**  
**~~PROPOSED~~ ORDER TO**  
**EXTEND TIME TO RESPOND**  
**TO COMPLAINT**

Assigned to The Honorable Samuel  
Conti

AIRLINES CARGO PTE LTD.; and  
VIRGIN ATLANTIC AIRWAYS LTD.,  
Defendants.

Pursuant to Local Rule 6-1(a), Defendants British Airways, PLC, Asiana Airlines Co., Ltd., Cathay Pacific Airways Ltd., Deutsche Lufthansa AG, Scandinavian Airlines System, United Airlines, Inc., UAL Corp., Cargolux Airlines International SA, Lan Airlines SA, Polar Air Cargo, Inc., Atlas Air Worldwide Holdings, Inc., Korean Airlines Co., Ltd., Ace Aviation Holdings, Inc., Air Canada, American Airlines, Inc., AMR Corporation, and Virgin Atlantic Airways Ltd. respectfully request that this Court enter an order extending the time in which Defendants must answer, move or otherwise plead in response to the complaint in this action until 45 days after a consolidated complaint is filed by Plaintiffs in the single transferee Court and served on Defendants.

In support of this motion, Defendants state:

1. The Complaint in this matter was filed on March 13, 2006. It seeks relief under the Sherman Act and the Clayton Act against 20 defendants on behalf of a putative class.

2. More than 80 similar actions have been filed in various jurisdictions around the country.

3. Plaintiffs in various Districts have filed motions to consolidate and transfer before the Judicial Panel on Multidistrict Litigation ("JPML"). On June 20, 2006, the JPML issued an order selecting the Eastern District of New York as the transferee district for *In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775.

4. Some, but not all, of the Defendants in this case have been served. By signing hereto, notwithstanding the non-waiver and reservation of rights set out in



1 Paragraph 5 below, counsel for Defendants hereby agrees to accept service of the  
2 complaint filed in this action, and any consolidated complaint that includes  
3 Plaintiff as a named Plaintiff. Nothing in this paragraph shall obligate any  
4 Defendant to answer, move or otherwise respond to any complaint until the time  
5 provided in the preceding paragraphs.

6 5. It is agreed between all parties that the agreed motion shall not  
7 constitute a waiver of any defenses including, but not limited to, the defenses of  
8 lack of personal jurisdiction, lack of subject matter jurisdiction, or improper venue.  
9 Defendants expressly reserve their right to raise all defenses in response to either  
10 the current complaint or any consolidated amended complaint that may  
11 subsequently be filed relating to this action.

12 6. Plaintiff Y. Hata & Co., Limited has consented to the requested  
13 extension.

14 WHEREFORE, the Defendants request that this Court grant an extension of  
15 the Defendants' time to answer, move or otherwise plead in response to the  
16 complaint until 45 days after a consolidated complaint is filed by Plaintiffs in the  
17 single transferee Court and served on Defendants.

18 Respectfully submitted,

19  
20 Dated: July , 2006

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26 *Attorney for Plaintiff Y.Hata & Co., Limited*

1 Paragraph 5 below, counsel for Defendants hereby agrees to accept service of the  
2 complaint filed in this action, and any consolidated complaint that includes  
3 Plaintiff as a named Plaintiff. Nothing in this paragraph shall obligate any  
4 Defendant to answer, move or otherwise respond to any complaint until the time  
5 provided in the preceding paragraphs.

6 5. It is agreed between all parties that the agreed motion shall not  
7 constitute a waiver of any defenses including, but not limited to, the defenses of  
8 lack of personal jurisdiction, lack of subject matter jurisdiction, or improper venue.  
9 Defendants expressly reserve their right to raise all defenses in response to either  
10 the current complaint or any consolidated amended complaint that may  
11 subsequently be filed relating to this action.


12 6. Plaintiff Y. Hata & Co., Limited has consented to the requested  
13 extension.

14 WHEREFORE, the Defendants request that this Court grant an extension of  
15 the Defendants' time to answer, move or otherwise plead in response to the  
16 complaint until 45 days after a consolidated complaint is filed by Plaintiffs in the  
17 single transferee Court and served on Defendants.

18 Respectfully submitted,

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20 Dated: July 18, 2006

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19 *Attorneys for Defendant Deutsche Lufthansa*  
20 *AG*

21  
22 **IT IS SO ORDERED**

23 DATED: August 2, 2006

